

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GRAESYN G.,

Plaintiff,

vs.

ANDREW SAUL, Commissioner of
the Social Security Administration,

Defendant.

8:20-CV-346

ORDER

This matter is before the Court on its own motion following the government's Notice of Change of Status ([filing 29](#)), which advises that the plaintiff's mother and next friend, Angela G., passed away unexpectedly, leaving the 8-year-old plaintiff unrepresented in this action. The government represents that the plaintiff's father "has no intention of continuing with this litigation"—but there is nothing before the Court to establish that the plaintiff's father has authority to make that decision, which is significant given that the administrative record suggests the plaintiff "has no contact with father who lives 1500 miles away." [Filing 27-8 at 45](#).

On the record presently before the Court, the plaintiff is unrepresented, and [Fed. R. Civ. P. 17\(c\)\(2\)](#) provides that the Court "*must* appoint a guardian ad litem—or issue another appropriate order—to protect a minor or incompetent person who is unrepresented in an action." (Emphasis supplied); *see M.S. v. Wermers*, 557 F.2d 170, 174 (8th Cir. 1977). The Court finds that adequate protection of the minor plaintiff's interests in this case requires a guardian ad litem to be appointed. *See Wermers*, 557 F.2d at 174. Accordingly,

IT IS ORDERED:

1. Pursuant to Rule 17(c) and Section II(A)(1)(c) of the [Amended Federal Practice Fund Plan and the Federal Practice Committee Plan \(as adopted June 17, 2016\)](#), the following counsel is appointed as guardian ad litem for the

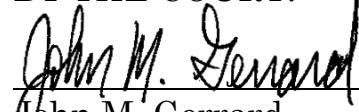
minor plaintiff for purposes of this federal case, and as counsel for the guardian ad litem:

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2. Counsel shall promptly enter an appearance accepting the Court's appointment, and shall at that time advise the Court how much additional time may be required to file a motion for an order reversing the Commissioner's decision, should counsel determine that such a motion is appropriate. *See filing 3.*
3. Expenses and attorney's fees shall be paid from the Federal Practice Fund under the [Amended Federal Practice Fund Plan and the Federal Practice Committee Plan \(as adopted June 17, 2016\)](#). Counsel is particularly directed to Section VI, which explains how to seek reimbursement.

Dated this 25th day of March, 2021.

BY THE COURT:



John M. Gerrard
Chief United States District Judge